**TRANSMITTAL LETTER**

(General - Patent Pending)

Docket No.

010.00141

In Re Application Of: **ONYX et al.**

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/051,770	January 18, 2002	B. Kwon	Not Assigned	1614	

Title:

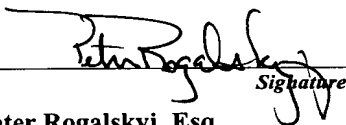
METHODS AND COMPOSITIONS FOR TREATING ADDICTION DISORDERSCOMMISSIONER FOR PATENTS:

Transmitted herewith is:

Issue Fee Transmittal PTOL-85 (1 page) (in duplicate)
Comments on Statement of Reasons for Allowance (2 pages)
Statement of Substance of Interview (3 pages) with one attachment (1 page)
Self-addressed, stamped postcard for acknowledging receipt of the enclosed materials

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **50-0772** as described below.
- ☐ Charge the amount of _____
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.


*Signature*Dated: **July 7, 2004**

Peter Rogalskyj, Esq.
Reg. No. 38,601
Rogalskyj & Weyand, LLP
P.O. Box 44
Livonia, New York 14487-0044
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Fax: 585-346-1001

I certify that this document and fee is being deposited on **7-7-04** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


*Signature of Person Mailing Correspondence***Peter Rogalskyj***Typed or Printed Name of Person Mailing Correspondence*

CC:



010.00141

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Glick et al.)
Serial No.: 10/051,770)
Filed: January 18, 2002) Examiner: B. Kwon
For: METHODS AND COMPOSITIONS FOR) Art Unit: 1614
TREATING ADDICTION DISORDERS)

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.104(e) and Manual of Patent Examining Procedure § 1302.14, applicants hereby submit comments on the Statement of Reasons for Allowance which accompanied the April 7, 2004, Notice of Allowability in the above-identified patent application.

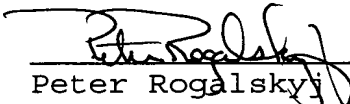
In the Statement of Reasons for Allowance, the U.S. Patent and Trademark Office states:

The primary reason for allowance of the claims is the applicant's showing of unexpected results of Figures 5 and 11.

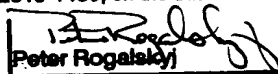
Applicants do not necessarily agree with the reason set forth in this statement, nor do applicants necessarily agree with the statement's characterization of this reason as being the "primary reason" that the claims are allowable. Moreover, to the extent that this statement suggests that the claims are allowable solely for the reason set forth in the Statement of Reasons for Allowance, applicants disagree with any such suggestion.

Respectfully submitted,

Dated: July 7, 2004


Peter Rogalsky
Registration No. 38,601

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Certificate of Mailing - 37 CFR 1.8(a)	
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Date: 7-7-04	 Peter Rogalskyj



010.00141

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Glick et al.)
Serial No.: 10/051,770)
Filed: January 18, 2002) Examiner: B. Kwon
For: METHODS AND COMPOSITIONS FOR) Art Unit: 1614
TREATING ADDICTION DISORDERS)
_____)

STATEMENT OF SUBSTANCE OF INTERVIEW

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants gratefully acknowledge the telephonic interviews, conducted on March 24, 2004, March 25, 2004, and on March 30, 2004, between Examiner B. Kwon and applicants' undersigned attorney regarding the above-identified patent application. An Interview Summary was mailed by the U.S. Patent and Trademark Office ("PTO") with the April 7, 2004, Notice of Allowability. Applicants hereby state that, except for failing to mention that the telephonic interviews took place on three dates (i.e., March 24, 25, and 30, 2004), the PTO's Interview Summary is consistent with the substance of these interviews.

However, applicants would like the record to reflect the following:

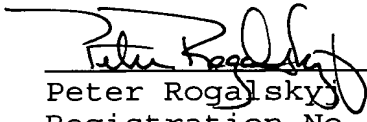
1. that during the March 24 and 25, 2004, interviews, Examiner Kwon maintained his position that the claims were *prima facie* obvious over the 18-methoxycoronaridine/dextromethorphan combination suggested by Glick et al., "18-Methoxycoronaridine, a Non-toxic Iboga Alkaloid Congener: Effects on Morphine and Cocaine Self-administration and on Mesolimbic Dopamine Release in Rats," Brain Res., 719:29-35 (1996) ("Glick") in view of Pulvirenti et al., "Dextromethorphan Reduces Intravenous Cocaine Self-administration in the Rat," Eur. J. Pharmacol., 321:279-283 (1997) ("Pulvirenti");
2. that during the March 24 and 25, 2004, interviews, Examiner Kwon indicated that this *prima facie* obviousness rejection is overcome by applicants' showing of unexpected results for the 18-methoxycoronaridine/dextromethorphan combination, as set forth in Figures 5 and 11 of the application;
3. that, during the March 25, 2004, interview, Examiner Kwon agreed to rejoin certain method-of use claims;
4. that, during the March 30, 2004, interview, Examiner Kwon requested that an electronic copy of a proposed amendment be sent to him via

- email, which request was fulfilled on April 1, 2004, by applicants' undersigned attorney;
5. that this electronic copy of the proposed amendment is reproduced in the Examiner's Amendment which accompanied the April 7, 2004, Notice of Allowability;
 6. that applicants' proposal to cancel claims 1-50 should not be viewed as disclaiming all embodiments which were encompassed by those claims; and
 7. that the applicants' proposal to rewrite claim 30 (directed to the combination of dextromethorphan and mecamlamine) as new, independent claim 93 does not narrow the scope of originally presented claim 30.

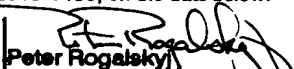
With regard to point 4 above, attach hereto is a copy of an email from applicants' undersigned attorney to Examiner Kwon, dated April 1, 2004, which accompanied the electronic copy of the proposed amendment.

Respectfully submitted,

Dated: July 7, 2004


Peter Rogalsky
Registration No. 38,601

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Certificate of Mailing - 37 CFR 1.8(a)	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.	
Date 7-7-04	 Peter Rogalsky

Peter Rogalskyj

From: "Peter Rogalskyj" <progalskyj@rogalskyjweyand.com>
To: <brian-yong.kwon@uspto.gov>
Sent: Thursday, April 01, 2004 1:48 PM
Attach: 38.wpd
Subject: Proposed Examiner's Amendment for 10/051,770

COPY

Examiner Kwon. Attached is an electronic version of proposed claims for the Examiner's Amendment in U.S. Patent Application No. 10/051,770. Please charge any additional claim fee to our Deposit Account 50-0772. Note that we propose canceling all of the pending claims and rewriting them as four sets of claims, each set being drawn to one of the combinations which you indicated to be allowable. Also note that the scope of original claim 30 has not been narrowed by the present amendment. Please review the proposed claims and call me (585-346-1004) with your thoughts. Thank you. Respectfully, Peter Rogalskyj.

Peter Rogalskyj
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Thank you very much.
 Rogalskyj & Weyand, LLP
